

FORSYTH CO, NC **331** FEE: \$ 20.00
PRESENTED & RECORDED: 09/03/2003 4:11PM
DICKIE C. WOOD REGISTER OF DEEDS BY: MARSHR
STATE OF NC REAL ESTATE EXT: \$ **1600.00**
BK2398 P1923 - P1925

SPECIAL WARRANTY DEED

Excise Tax: \$ _____

Recording Time, Book and Page

Tax Lot No. Bk 1314 Lot 10 Parcel Identifier No. _____
Verified by _____ County on the ____ day of _____, 20____
by _____

Mail after recording to: 280 Halcyon Ave WS, NC 27104
~~Neal E. Tackabery, Blanco Tackabery, Concha & Matamoros, D.A.~~
~~P.O. Drawer 25000, Winston-Salem, NC 27114-2000~~

This instrument was prepared by: Neal E. Tackabery, Esq.

Brief Description for the index 280 Halcyon Avenue, Winston-Salem, NC

THIS DEED made this 27 day of Aug, 2003, by and between

GRANTOR	GRANTEE
<p>WACHOVIA BANK, NATIONAL ASSOCIATION <i>(formerly Wachovia Bank, N.A.),</i> Executor of the Estate of Suzanne Walker McCarthy and Successor Trustee of the Amended and Restated Suzanne Walker McCarthy Revocable Trust U/A/D September 22, 1997, as amended</p>	<p>KENNETH ALAN COOK and wife, KIRSTEN B. COOK 280 Halcyon Avenue Winston-Salem, NC 27104</p>

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

The designation Grantor and Grantee as used herein shall include all parties, their heirs, successors, and assigns, and shall include all singular, plural, masculine, feminine or neuter as required by text.

WITNESSETH, that the Grantor, pursuant to the provisions of the Last Will and Testament of Suzanne Walker McCarthy (see Estate File No. 02 E 1378, Forsyth County Clerk of Court's Office) and the Amended and Restated Suzanne Walker McCarthy Revocable Trust U/A/D September 22, 1997, as amended, has, and by these presents does, grant, bargain, sell and convey unto the Grantee in fee simple, for and in consideration of \$800,000, all that certain lot or parcel of land in Winston Township, Forsyth County, North Carolina, more particularly described as follows:

SEE EXHIBIT A ATTACHED HERETO AND HEREBY INCORPORATED HEREIN

The above land was conveyed to Suzanne Walker McCarthy (deceased) by instrument recorded in Deed Book 1004, Page 792, Forsyth County Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the said WACHOVIA BANK, NATIONAL ASSOCIATION, as Executor of the Estate of Suzanne Walker McCarthy and as Successor Trustee of the Amended and Restated Suzanne Walker McCarthy Revocable Trust U/A/D September 22, 1997, as amended, does hereby covenant that it has not placed or suffered to be placed any presently existing liens or encumbrances of said premises and that it will warrant and defend the title to the same against the lawful claims of all persons claiming by, through, under or on account of WACHOVIA BANK, NATIONAL ASSOCIATION, as Executor of the Estate of Suzanne Walker McCarthy and as Successor Trustee of the Amended and Restated Suzanne Walker McCarthy Revocable Trust U/A/D September 22, 1997, as amended, insofar as it is its duty to do by virtue of the office as Executor of the Estate of Suzanne Walker McCarthy and as Successor Trustee of the Amended and Restated Suzanne Walker McCarthy Revocable Trust U/A/D September 22, 1997, as amended, but no further.

The conveyance of this property is subject to any conditions, restrictions, reservations and easements, if any, duly of record, constituting constructive notice thereof. Ad valorem property taxes shall be prorated as of the closing date.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or, if a corporation, has caused this instrument to be signed in its corporate name by its duly-authorized officers and caused its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

ESTATE OF SUZANNE WALKER McCARTHY
and
SUCCESSOR TRUSTEE OF AMENDED AND RESTATED SUZANNE WALKER McCARTHY REVOCABLE TRUST U/A/D SEPTEMBER 22, 1997, AS AMENDED

By: WACHOVIA BANK, NATIONAL ASSOCIATION
(formerly Wachovia Bank, N.A.), Executor and Trustee, respectively

By: [Signature]
Senior Vice - President
BJ

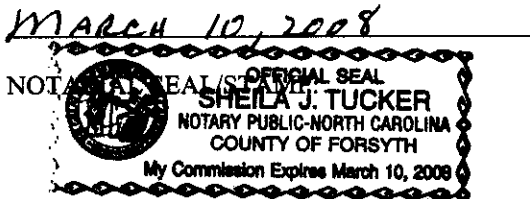
NORTH CAROLINA - FORSYTH COUNTY

I, a Notary Public of the state and county aforesaid, certify that KENNETH E. BLACKBURN personally came before me this day and acknowledged that (s)he is the SENIOR VICE President of WACHOVIA BANK, NATIONAL ASSOCIATION (formerly Wachovia Bank, N.A.), a North Carolina corporation, as Executor of the Estate of Suzanne Walker McCarthy and as Successor Trustee of the Amended and Restated Suzanne Walker McCarthy Revocable Trust U/A/D September 22, 1997, as amended, and that (s)he has, as SENIOR VICE President, being authorized to do so, executed the foregoing instrument on behalf of the corporation.

Witness my hand and official seal, this the 27 day of August, 2003.

[Signature]
Notary Public

My commission expires:



The foregoing certificate of Sheila J. Tucker

is certified to be correct. This the 3 day of September, 2003.

DICKIE WOOD, Register of Deeds for Forsyth County
By: [Signature]
Deputy Assistant

EXHIBIT A

BEGINNING at an iron stake, said stake being 162 feet west from the intersection of the south side of Georgia Avenue, with the western side of Halcyon Avenue, and running thence Southward with the eastern line of Lot No. 9, 165 feet to an iron stake, corner of Lot No. 9; thence Eastward with the northern line of Lot No. 11, 162 feet to an iron stake, in the west side of Halcyon Avenue; thence Northward with the western side of Halcyon Avenue 166 feet to an iron stake, intersection of the western side of Halcyon Avenue with the southern side of Georgia Avenue; thence Westward with the southern side of Georgia Avenue 162 feet to an iron stake, the point of BEGINNING, same being shown on the plan of West Highlands, Section Number Two, as Lot No. 10 in Block 2.

This conveyance is made subject to all covenants, conditions and restrictions contained in a certain deed bearing date of April 8, 1924, from West End Development Co. to C. W. Harris, conveying to said C. W. Harris the lot or parcel of land herein described. See Deed Book 225, at page 248.

This is the same property conveyed by C. W. Harris and wife, Annie Meador Harris, to W. T. Smither and wife, Minnie Gray Smither, by deed dated March 23, 1925, recorded in Deed Book 243, page 164, office of Register of Deeds of Forsyth County, North Carolina.

W. T. Smither died November 7, 1969. Minnie Gray Smither died April 12, 1970. Emily Smither Long, Alice Smither Wilson and Lucy Gray Smither Drake are all the heirs and legatees of Minnie Gray Smither.